



## MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen  
*Chair*

Kenita V. Barrow  
*Vice Chair*

**March 13, 2017**

**Waiver 17-02-004**

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee may not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Fungisai Juliet Marumahoko is a Community Nurse II in the Montgomery Cares Program in Healthcare for the Homeless at the Montgomery County Department of Health and Human Services (DHHS). Ms. Marumahoko would like to engage in outside employment as a community support living assistant at Target Community and Educational Services, Inc. (TCES), an entity that has a contract with DHHS.

As a Community Nurse II, Ms. Marumahoko assists with discharge planning for homeless County residents completing treatment at area hospitals. Also, she supervises and directs medication management in emergency and transitional shelters, provides case management for medically vulnerable individuals at emergency shelters, and conducts mass vaccinations at all shelters during the influenza season and during other outbreaks as needed.

In her role as a community support living assistant with TCES, Ms. Marumahoko acts as an advocate for individuals with developmental and other disabilities within the community. There is no crossover between the clients Ms. Marumahoko assists in her County position and the clients she supports for TCES.

The contract between DHHS and TCES involves funding for TCES's principle mission of promoting normalization of persons with developmental disabilities, but it does not fund Ms. Marumahoko's position with TCES. Further, Ms. Marumahoko does not have responsibilities associated with the contract as an employee of the County nor would she as an employee of TCES.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request

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and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

This waiver is issued on the condition that Ms. Marumahoko will recuse herself from providing services as an employee of the County or TCES to a person she has already provided services to while working at the other entity; so, for example, if Ms. Marumahoko has provided services as a County employee to a person who subsequently seeks services from TCES, Ms. Marumahoko will not work on the matter as an employee of TCES.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Marumahoko.

For the Commission:



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Steven Rosen, Chair